

March 1, 2005

March First

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The regular March Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, T. Wayne Oakes, Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Finance Director Aubrey D. Dodson, Deputy Finance Director Barbara A. Dameron, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Economic Development Director Ron Bunch, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, and Key Accounts Manager Kevin Martin.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Pete Castiglione offered the Invocation. Boy Scout Troop #300 led the Pledge of Allegiance to the Flag.

#### **ANNOUNCEMENTS AND SPECIAL RECOGNITION**

Mayor Hamlin recognized Assistant City Manager for Utilities Joe King and Utilities Key Accounts Manager Kevin Martin.

Mr. King recalled that during a workshop in September 2004, Utility Department personnel presented an overview of strategies to Council Members that had been developed for informing citizens about energy conservation. He reiterated that utility rates would increase on July 1, 2005. Mr. King said the two project objectives were to give the earliest possible notice about the pending rate increases and to encourage thinking and action on the part of utility customers in the area of energy conservation.

Mr. King called on Key Accounts Manager Kevin Martin to give an update on activities that had taken place or that are planned in order to meet these objectives. He said Mr. Martin had done an outstanding job on the project.

Mr. Martin reviewed a handout that had been placed at the desk of each Council Member prior to the meeting as follows:

1. Key Accounts Activities

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- Utility study update meetings
  - One-on-one meetings as requested
  - Access to R. W. Beck, our rate consultant, for questions
2. Public Information
- Speaking engagements as requested
  - Utility bill messages
  - Media outreach activities
    - a. Newspaper ads, guest columns, news articles
    - b. Radio ads, interviews, talk shows
    - c. Television talk shows and news interviews
3. Conservation Awareness
- "Energy Savers" booklets distributed from various locations
  - "Energy Savers" and "Energy Efficiency Pays" booklets available online
  - Conservation tips on Eddie's Colyum pages of the Sunday Register & Bee
  - Radio tips and advertisements
  - Home & Trade Show - Energy Conservation Theme for April
  - Utility bill messages
  - Utility bill stuffer planned
  - Website tips index planned
4. Classes/Workshops/Seminars/Energy Audits
- Energy audit workshops for businesses
  - Residential conservation classes
  - U. S. Department of Energy (DOE) motor systems and process heating seminars
  - DOE industrial audits through North Carolina State and West Virginia University
  - Notice of DOE plant-wide assessment solicitation (up to \$100,000).

Council Member Saunders said there were a number of mostly non-profit organizations throughout the City that assist citizens with utility bill payments. He said he knew of some churches that help these customers as well. Mr. Saunders said that in view of the fact that there is a limited amount of funds to assist these customers, he asked what was being done to coordinate these groups. Mr. Martin said some agencies had been included in classes and workshops for businesses. He said there were a number still that needed to be contacted and he would do so. Mr. Martin said anyone wishing to attend a class or workshop should call 434-797-8848 to register.

Mr. Saunders felt it would be helpful to have a list of these organizations and have them present a plan as to how they could

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be of assistance. He said certain groups should be targeted for receiving assistance, such as the elderly, disabled and those on fixed incomes.

City Manager Gwaltney said Joe King and his staff was working on that very issue presently.

Mr. King said there is a huge need in those areas right now and when the utility rates increase, it would be all the more difficult for those individuals to make utility payments. He said his staff is working diligently to explore ways to ask agencies that wish to assist to come forth and identify themselves. There are churches that are assisting their congregations and beyond as much as they are able to do so. Mr. King said he would like to see social and welfare agencies take the lead in accepting donations to help those in need of payment assistance.

Mr. Saunders said the Pittsylvania County Community Action Agency is willing to assist and felt a Memorandum of Understanding from those agencies wishing to assist would be helpful by setting forth which agency would do what.

Mayor Hamlin asked if more utility customers were taking advantage of the monthly equal pay plan for utilities. Mr. King said there was an increased interest from citizens wishing to go on the equal pay plan. The utility department is busy promoting that option.

Council Member Daniels asked Mr. King what his department was doing to be more efficient and to cut costs. Mr. King said that customers are going to expect more when the higher rates go into effect. They will expect efficiency, good customer service and effective operations. Mr. King said an internal program at utilities had been launched that was being called "We Do the Right Things Right." He said the program was focusing on efficiency and effectiveness. Mr. King said training had been provided for his supervisors to learn what it costs to provide service, how to provide service more efficiently, and how to cut cost when possible - in general, to be cost conscious. Mr. King said he had met with every utility employee to explain specifically his expectations of improved productivity and efficiency.

Mr. Daniels asked if bringing in someone to evaluate employee performance had been considered. Mr. Gwaltney said he had, but he had not pursued it. Speaking specifically about the Utility Department, he said he had brought Joe King in as Assistant City Manager for Utilities in order to manage the department as a whole and by doing so, there was no need for hiring an electrical expert, a gas expert and a water expert. He said Joe King had done an outstanding job in managing the entire Utilities Department and he felt it was paying dividends.

Mr. Gwaltney said that if it ever got to the point that he felt it were needed, he would not hesitate to bring in a consultant.

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## **MINUTES**

Upon Motion by Council Member Daniels and second by Council Member Archie, Minutes of the February 15, 2005 Meeting of Danville City Council, the Joint Dinner Meeting with Pittsylvania County held on February 10, 2005 and the Regular Council Work Session of February 15, 2005 were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

## **HEARING-REZONE PROPERTY LOCATED AT 257 JEFFERSON AVENUE**

Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone property located at 257 Jefferson Avenue. Notice of the Public Hearing had been duly published in the Danville Register and Bee on February 15 and 22, 2005.

Cora Tucker, the applicant appeared to request that her property located at 257 Jefferson Avenue be rezoned from OT-R Old Town Resident to "Conditional" CB-C Central Business District. Ms. Tucker said she intended to revitalize the building by turning the building into a very profitable and useful one.

Bill Wellbank, who advised that he and his partner owned ten properties on the lower part of Jefferson Avenue. Mr. Wellbank said the properties were purchased to bring back the neighborhood. He said when he moved to Jefferson, there were drug houses and houses of prostitution, and the buildings were in terrible shape. He and his partner have converted these properties into apartments ranging from approximately 800 sq. ft. to 2500 sq. ft. He said this helps the neighborhood stay as a beautiful residential area. Mr. Wellbank said parking in the area is inadequate. One of Mr. Wellbank's concerns was that if Ms. Tucker were allowed to place apartments, including her own living quarters on the top floor, a tearoom, assisted living for seniors, and office spaces on the property in question, there would be inadequate parking for the occupants and customers. Mr. Wellbank felt past problems on Jefferson may arise, should Ms. Tucker be allowed to develop the property.

Council Member Castiglione asked if a site plan had been provided.

Planning Director Ken Gillie said there was no site plan at this time. He said the request was to rezone to a "conditional" Central Business District. Mr. Gillie said there were no parking requirements in a Central Business District and he would not have the authority to require a certain number of parking spaces for the business.

Mr. Castiglione said a site plan would be helpful because it deals with the neighbors' concerns by allowing them to see exactly how the property would look upon completion.

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Mr. Gillie said that no matter what was done with the site, parking would be an issue. He said a site plan would not entail the physical development of that property. The building takes up most of the property. He said there was a little space at the back of the building that is not wide enough to meet the City's zoning standards. The only thing Ms. Tucker could show Council, would be a plan for using off-site parking on someone else's property.

Deputy City Manager Lacy advised that it had been conceded that the rezoning of the property would have produced a higher demand for parking with no additional supply to meet that. Mr. Lacy said the lack of parking was one of the costs that the administration had not been able to identify any solutions for. He said if the property was not rezoned, it was believed that a continuing deterioration would occur and at some point would become a public responsibility and expense. Mr. Lacy said that in spite of a potential parking problem, it was felt Ms. Tucker's request was the most feasible avenue for renovation and use.

In response to Council Member Smith, Ms. Tucker said she planned to have a coffee shop, a banquet hall, four to six apartments and some offices on the property that would be rented.

In response to Council Member Smith, Planning Director Gillie said the property was in the Historic Overlay District. Before any exterior modifications to the building could take place, Ms. Tucker would have to go before the Commission of Architectural Review in order to make the renovations historically appropriate.

Others voicing opposition to the rezoning because of parking and density concerns were Rod Tomlinson, Randy Johnson, and Rod Tomlinson, Jr.

In response to Vice-Mayor Williams, Ms. Tucker said she has no intention of putting ten apartments on the property. Vice-Mayor Williams said ten units would cause high density. Ms. Tucker said she would be willing to limit the number of apartments to six, which included her living quarters. She offered this as a proffer.

No one further desired to be heard and the Public Hearing was closed.

Council Member Smith moved to **TABLE** consideration of rezoning from OT-R Old Town Residential to "Conditional" CB-C Central Business Commercial District, 257 Jefferson Avenue.

Council Member Castiglione seconded the Motion.

In response to Mayor Hamlin, City Attorney Whitfield said consideration of the matter could be placed on the March 15 Agenda.

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Mrs. Archie asked Mr. Smith the purpose for tabling the matter. Mr. Smith said that if the Ordinance for rezoning the property were defeated this evening, the matter could not come back before Council for another year. He said by tabling the matter, it could come back before Council at the next regular meeting on March 15.

Mr. Smith said it was a close call whereby here is a building that needs rehabilitating, but is located in a neighborhood the building may not quite be suited for. He said the cost of rehabilitation would be high because of historic requirements and the building, which is proposed for commercial use, is located in a now-flourishing residential area. Mr. Smith felt there was not a plan in place for understanding exactly how the building would be used. Mr. Smith felt that allowing Ms. Tucker another couple of weeks, she might be able to present a more specific plan for use of the building.

Mr. Saunders said that when someone makes a request to rezone property, there was a list of things that the property could be used for. Mr. Saunders felt Ms. Tucker was very clear on her use of the property.

In response to Council Member Saunders, Mr. Gillie iterated the process for seeking rezoning of property.

In response to Council Member Castiglione, Mr. Gillie said Ms. Tucker could proffer in the meeting this even. Council Members are not allowed to extract a proffer from Ms. Tucker, but she could voluntarily do so. Mr. Gillie said he understood that Ms. Tucker was willing to proffer the limitation of six apartment units in the building, which includes her living quarters.

The Motion to table the matter **failed** by the following vote:

VOTE: 2-7  
AYE: Oakes, and Smith (2).  
NAY: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders, and Williams (7).

Council Member Archie moved the adoption of an Ordinance entitled:

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL TO "CONDITIONAL" CB-C CENTRAL BUSINESS COMMERCIAL DISTRICT, 257 JEFFERSON AVENUE TO INCLUDE THE PROFFER LIMITING THE NUMBER OF RENTAL APARTMENTS TO FIVE, AND A RESIDENTIAL UNIT FOR THE OWNER, IN THE BUILDING FOR A TOTAL OF SIX APARTMENTS.

The Motion was seconded by Saunders and **failed** by the following vote:

VOTE: 4-5  
AYE: Archie, Castiglione, Saunders, and Williams (4).  
NAY: Daniels, Hamlin, Luther, Oakes, and Smith (5).

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**HEARING-REZONE PROPERTY LOCATED AT 1375 JEFFERSON AVENUE**

Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone property located at 1375 Goodyear Boulevard and adjacent land. Notice of the Public Hearing had been duly published in the Danville Register and Bee on February 15 and 22, 2005.

Fred Shanks, for National Welders, appeared to answer questions from Council Members and citizens.

No one further desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2005-03.01

AN ORDINANCE REZONING FROM HR-C HIGHWAY RETAIL DISTRICT TO LED-I LIGHT ECONOMIC DEVELOPMENT DISTRICT, 1375 GOODYEAR BOULEVARD AND ADJACENT LAND.

The Motion was seconded by Vice-Mayor Williams and by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9).  
NAY: None (0).

**HEARING-SPECIAL USE PERMIT-1375 GOODYEAR BOULEVARD**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for outdoor storage on property located at 1375 Goodyear Boulevard and adjacent land. Notice of the Public Hearing had been duly published in the Danville Register and Bee on February 15 and 22, 2005. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2005-03.02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR OUTDOOR STORAGE OF MORE THAN FIFTY PERCENT (50%) OF THE AREA OF BUILDING COVERAGE AT 1375 GOODYEAR BOULEVARD AND ADJACENT LAND.

The Motion was seconded by Council Member Oakes and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9).

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NAY:           None (0).

**BUDGET AMENDMENT - FY 2004-2005 - CITY GRANT PACKAGE-YORKTOWNE**

Upon Motion by Council Member Castiglione and second by Council Member Smith, an Ordinance entitled:

ORDINANCE NO. 2005-03.03

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE GENERAL FUND FOR A CITY GRANT PACKAGE FOR THE YORKTOWNE PROJECT FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$2,581,500 AND APPROPRIATING THE SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**COMMUNICATIONS**

There were no communications from the City Manager, Deputy City Manager, City Attorney, and City Clerk.

**ROLL CALL**

Mayor Hamlin thanked Vice-Mayor Williams for sitting in the Mayor's chair during the March 1 Meeting. Mayor Hamlin was in Richmond with Leadership Southside.

Council Member Smith advised the Utility Commission had met on Monday afternoon and there was continuing discussion on the utility rates.

Mr. Smith asked City Manager Gwaltney why there was a working stoplight at Park Avenue and Piedmont Drive, when conditions there have not changed. City Manager Gwaltney agreed to look into the matter and report to Council.

Vice-Mayor Williams thanked City Manager Gwaltney for the thorough report relating to the possibility of reducing the speed limit on Route 58. Dr. Williams had requested a report during an earlier Council Meeting.

**CLOSED MEETING**

At 8:46 P. M. Mayor Hamlin recognized Vice-Mayor Williams who moved that the meeting be recessed and that Council immediately convene in Closed Meeting for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made as permitted by Subsection (A) (5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, and more specifically to consider an economic development update to discuss both a prospective industry and the expansion of an existing business or industry



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where no previous announcement has been made. The Motion was seconded by Council Member Castiglione and carried by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Oakes, Saunders, Smith, and Williams (9).  
NAY: None (0).

At 9:25 P.M. Vice-Mayor Williams moved that Council adopt the following Resolution.

**CERTIFICATE OF CLOSED MEETING**

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed, or considered by the Council.

The Motion was seconded by Council Member Oakes and carried by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther,  
Oakes, Saunders, Smith, and Williams (9).  
NAY: None (0).

The Meeting adjourned at 9:26 P. M.

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MAYOR

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CLERK